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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**
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11 MARTHA ZEPEDA OLIVARES,
12 individually and on behalf of the ESTATE OF
13 MAXIMILIANO SOSA, JR.;
14 MAXIMILIANO SOSA, SR.,

15 Plaintiffs,

16 v.

17 CITY OF FRESNO, UNKNOWN LAW
18 ENFORCEMENT OFFICERS, POLICE
19 CHIEF PACO BALDERRAMA and DOES 1-
20 30,

21 Defendants.

1:23-cv-01575-JLT-SAB

District Judge: Jennifer L. Thurston

Magistrate Judge: Stanley A. Boone

**[PROPOSED] ORDER GRANTING
MOTION TO DISMISS FOR FAILURE
TO STATE A CLAIM**

22 Before the Court is a Motion to Dismiss for Failure to State a Claim by Defendants Officer
23 John Ayers, Officer Brandon Crockett, Officer Jonathan Abraham, Officer Anthony Aguilar,
24 (Former) Chief Paco Balderramas, and the City of Fresno. Defendants seek dismissal of the Olivares
25 Plaintiffs' Third Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). After
26 full consideration of the matter, this Court finds as follows:

27 The Olivares Plaintiffs do not plead facts to support their contention that Plaintiff Martha
28 Zepeda Olivares is decedent's successor in interest or the legal representative of the estate. The
Third Amended Complaint states that decedent's children survived him, and therefore the Olivares
Plaintiffs, who are decedent's parents, lack standing to pursue survival claims on behalf of the

1 decedent's estate and to bring wrongful death claims on their own behalf under California law.

2 The Court further finds that the Olivares Plaintiffs have not adequately pled a Fourteenth
3 Amendment claim for the loss of their adult child's companionship, because they have pled only
4 their biological connection to decedent and that they are "devastated" by his death.

5 IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss is GRANTED and
6 the Olivares Plaintiffs' Third Amended Complaint is hereby DISMISSED.

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9 Dated: _____

Hon. Jennifer L. Thurston
United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 S. Figueroa St, 15th Floor, Los Angeles, CA 90017-3012.

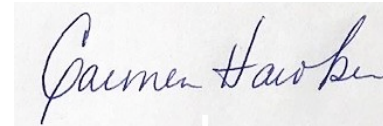
On August 6, 2025, I served true copies of the following document(s) described as **[PROPOSED] ORDER GRANTING MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address carmen.hawkins@manningkass.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 6, 2025, at Los Angeles, California.



Carmen Hawkins

SERVICE LIST

Martha Zepeda Olivares v. City of Fresno, et al.

Case No. 1:23-cv-01575-JLT-SAB

Our File Number: 2254-58536

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